

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

MYRA BROWN and ALEXANDER  
TAYLOR,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION and  
MIGUEL CARDONA, in his official capacity as  
Secretary of Education,

Defendants.

Civil Action No. 4:22-cv-00908-P

**DEFENDANTS' MOTION TO DISMISS**

Defendants hereby move to dismiss Plaintiffs' Complaint, *see* ECF No. 1, under Federal Rule of Civil Procedure 12(b)(1). As further detailed in the accompanying memorandum of law, also submitted in opposition to Plaintiffs' Motion for a Preliminary Injunction, *see* ECF No. 3, Plaintiffs' Complaint fails for threshold reasons, including standing, and should be dismissed for lack of subject matter jurisdiction. Moreover, Plaintiffs' motion fails to establish their entitlement to extraordinary preliminary relief, as Plaintiffs are unlikely to succeed on the merits of their claims and the balance of equities counsels in favor of denying Plaintiffs' motion for injunctive relief. A proposed order is attached hereto.

Dated: October 19, 2022

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

MARCIA BERMAN  
Assistant Branch Director

/s/ Kate Talmor  
KATE TALMOR (Md. Bar)  
R. CHARLIE MERRITT  
CODY T. KNAPP  
SAMUEL REBO  
Trial Attorneys  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Washington, DC 20005  
(202) 305-5267  
kate.talmor@usdoj.gov

*Counsel for Defendants*

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**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO DISMISS**

Before the Court is Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction.

After due consideration of the briefing, arguments, evidence presented, and applicable law, the  
Court hereby GRANTS Defendants' Motion. SO ORDERED.

DATED:\_\_\_\_\_

\_\_\_\_\_  
MARK T. PITTMAN  
UNITED STATES DISTRICT JUDGE